

**Arkansas State Board of Chiropractic Examiners
Board Meeting / Credentials Review
Tuesday, June 20, 2017**

CALL TO ORDER

The meeting was called to order by Julie Traylor-Logan, D.C., President, at 10:10 a.m.

ROLL CALL

Board Members present:

Thomas D. Taylor, D.C., FICA
Harold Gunter
J. Kent Moore, D.C.
Julie Traylor-Logan, D.C.
Jack McCoy
Dustin Heard, D.C.
Michael Courtney, D.C.

Board Members absent:

None

Guests Present:

Laurie Mayhan, Executive Director
Reid Adkins, Assistant Attorney General
Geraldan Bradford
Michael Cathey
Zach Trail
Alexander Chak
Jake Windley
Chris Cathey, D.C.
Becky Crenshaw
T. P. Carolan, D.C.
Gaylon Carter, D.C.

MINUTES

The April 11, 2017 minutes were presented to the Board. A motion to approve the minutes was made by Mr. McCoy and seconded by Dr. Moore. Motion passed.

DIRECTOR'S REPORTS

Budget Report

Monthly Expenditure and Revenue reports for **July-May** were presented to the Board. As of May 31, 2017, the total amount expended thus far for FY17 is \$110,428.95 with \$77,027.04 remaining. ASBCE's projected savings is \$67,517.07.

As of May 31, 2017, the total FY17 revenue is \$185,293.74. This total includes licensee fees, applicant fees, interest, surplus property sales, and rebates/refunds. Total overall revenue according to DFA-Budget Dept. is \$568,553.28 which includes Fund Balance, Cash Fund and FY2017 revenue and interest.

CE Report FY2017

(July 1, 2016 – June 16, 2017)

CE Status	# of Applications	# of Hours	Fee Due	Fee Paid
Approved	317	4314	\$ 21,570.00	\$ 21,570.00
Approved w/exception	9	741	\$ 3,705.00	\$ 3,705.00
Not Approved	5	74	\$ 370.00	\$ 370.00
Pending	15	108	\$ 540.00	\$ 540.00
Cancelled	2	24	\$ 120.00	\$ 120.00
Incomplete	0	0	\$ 0.00	\$ 0.00
Void	1	0	\$ 0.00	\$ 0.00
Total:	349	5,261	\$ 26,305.00	\$ 26,305.00

FOIA Report

48 Freedom of Information Act requests have been received thus far for fiscal year 2017 (July 2016 – June 2017). **4** of the 48 requests were received since the last Board meeting on 04/11/2017.

A motion to accept the Directors reports was made by Dr. Taylor. Motion seconded by Mr. McCoy. Motion passed.

OLD BUSINESS

Proposed language regarding: Part IV, NBCE transcript, Corp. Certificates/registrations, Complaint procedures, FBI background checks, Animal Chiropractic, Fill in/ vacation coverage, Temporary license rule, etc.

List made last year and just adding to it so it can be addressed. Language for the Preceptorship Program was given to Board so they can study and put on future agenda to discuss. Subject was tabled for next meeting. Later in meeting there was a discussion on Temporary Licensing and Orientation requirements being put on proposed language list. Update on Jurisprudence Exam by Dr. Heard stating they are trying to create a working test that would alternate questions for those needing to take more than once. Site will be set up so states can edit. Try to get rough draft in next 90 days, by end of year for sure, to take a look. This will remain in old business.

Radiology Questionnaire

A questionnaire was presented to the Board by the American Chiropractic College of Radiology asking if a DACBR is within the scope of practice within the state of Arkansas. This item was tabled from the last meeting for further research. Dr. Taylor states there is no state statute concerning DACBR but it falls under the professional title section. It needs to be given some consideration by the Department of Health as it is under the professional title section by the American Chiropractor Association. After further discussion, it was decided to answer yes to the first and second questions and yes to the third question about sending x-rays to a DACBR in another state. A motion to answer yes and return questionnaire was made by Dr. Moore with a second by Dr. Courtney. Motion passed.

Letter to CLEST Re: Physicals by a Chiropractor

Due to a decision made by CLEST in 2013 concerning chiropractors not being an approved medical provider to administer physicals to basic training students, Dr. Carter previously asked the Board to go on record stating that chiropractors have the same right as medical doctors to perform physical exams. This item was tabled in December in order to ask Dr. Carter to get more information as to what the physical for incoming students for basic training consist of, and/or protocol of criteria of the exam. Possibly get a copy of the physical exam form. Additional information was recently provided by Dr. Carter. Dr. Carter provided the exam form and exam requirements. Motion by Dr. Taylor that the examination report appears to be within the scope of practice of chiropractic physicians in the state of Arkansas and that we notify the entity in question that the board made the opinion that it is within our scope. Dr. Courtney seconded. Mr. McCoy brought up discussion that the word “appears” made it questionable, so motion was amended to remove word “appears”. The motion was made by Dr. Taylor with a second by Dr. Courtney. Motion passed.

NEW BUSINESS

FCLB 91st Annual Conference Topics Discussed

The conference was attended by Dr. Taylor-Logan, Dr. Moore and the Executive Director.

Topics discussed at the conference were NC Dental Board v. FTC, Regulatory Ethics, Chiropractic Mobility, Board Member Conflict, Licensure Exams and Services of the National Board of Chiropractic Examiners. Sunset Reviews, and Effective Use of Settlement Agreements.

There was discussion on use of CIN-BAD and the reporting of licensees who have committed a felony. ASBCE runs CIN-BAD on new applicants only. ASBCE currently pays annual member fee to the FCLB which includes access to CIN-BAD. The thought of maybe running a CIN-BAD and or Federal/State background check every five years like other states was proposed. Board requested to have a powerpoll run to see how other states follow up on licensees through CIN-BAD. Board wants to know how to

follow up on existing physicians. Board asked the Executive Director to ask the representative with the FCLB how felonies are reported to them.

Question brought up re: North Carolina Dental Board vs. FEC. Nothing new known.

FCLB Letter to Governor

The FCLB asked if we would like them to submit a letter to the Governor on our behalf regarding our attendance to the FCLB Annual Conference. Motion made by Mr. McCoy to send the letter to the Governor. Motion was seconded by Dr. Heard. Motion passed.

FCLB Passport Program

Dr. Heard reported that FCLB is still working on the language on how to put it into law. They are working with nineteen states and all are different so it is taking them longer. It is still in the very early stages so there will be more to come. Applications are on line to help FCLB to get program working. No action was taken by the Board on this item.

CE approval with exceptions

Dr. Courtney stated that he contacted Pro Health Seminars with regards to the CE referencing pharmaceuticals and they stated they do not teach anything pertaining to prescriptive medications only nutritional protocols. He just wanted to clarify the issue he had brought to the board's attention in the last meeting. Dr. Moore stated that clarification was made pertaining to that particular CE after he sent questions to them and all modules were then approved. No action was taken by the Board on this item.

CE Review / Online CE Pro – CE4You

Dr. Moore informed the Board that this program said they were sponsored by the Maryland Chiropractic Association and when the ASBCE Executive Director contacted Maryland to confirm this she discovered they were not sponsored by MCA. Motion was made by Dr. Courtney to not approve the Online CE Pro courses due to the applicant being deceitful in stating he was sponsored. The motion was seconded by Mr. McCoy. Motion passed unanimously.

Temporary License- Adding Supervisors

Jaymond R. Clark – Approved for a supervised temporary license in April and is requesting Dr. Amanda Bledsoe and Dr. Leslie McClellan be added as supervising physicians. Motion made by Dr. Heard that if Drs. Bledsoe and McClellan have met the requirements for years in practice in Arkansas, then they be approved as supervisors. Motion was seconded by Dr. Taylor. Motion passed unanimously.

Advertisement of Acupuncture

Board received a letter from the Acupuncture Board stating the use of “licensed acupuncturist” or “licensed in acupuncture” needs to be clarified. They referenced an ad of Dr. Tracy Atha. ASBCE only certifies chiropractors in acupuncture not license them. Board needs to send letter to members to not use the term “licensed” acupuncturist unless you are so licensed. The Board's counsel was asked to do more research on the law. The Executive Director will send notification to Dr. Atha. Dr. Taylor made motion to review rules and regulations of both boards to see how to proceed in addressing this with licensees and to further discuss in July meeting. Dr. Courtney seconded the motion. Motion passed.

New Analgesic- Greenburg

The Board received a letter from Jay Greenburg asking if he was allowed to sell a new topical analgesic to chiropractors in Arkansas. The ingredients are the same as Bio Freeze and Ortho Gel and made from hemp oil. The Executive Director sent him a letter referring him to Arkansas law. If he responds again, he will be directed to seek advice from his attorney.

Lipid Panel Blood Tests

A question on performing Lipid Panel Blood Tests was sent by Dr. Blair Masters to see if it was within the scope of practice. He is having a dispute with an insurance carrier on this matter. The Executive Director sent him a letter quoting the scope of practice. During discussion, it was noted on his letterhead the words “vasectomy” and “laceration repair” on his list of services. Dr. Kent Moore made a motion for an explanation of these services and was seconded by Dr. Tom Taylor. Motion passed unanimously.

Sunset Review

The Executive Director explained to the Board that the governor is requiring all agencies to review their rules to check on those that might need repealing. The process was explained to the Board and the initial report will be due December 1, 2017. They will be reviewed by the governor and committee to determine rules that need to be looked at more thoroughly. The Director asked if Dr. Taylor would be willing to help with this process to which he agreed.

CREDENTIALS REVIEW

Kirsten Courtney is coming from California, graduated 4/22/2017, and wishes to be credentialed at July meeting. All information is in and license is in good standing. Motion was made to approve by Mr. Hal Gunter and seconded by Mr. Jack McCoy. Motion passed unanimously.

Tameka Daniels-Perry graduated in 2006, comes from Tennessee and wants to practice in West Memphis, Arkansas. She had CIN-BAD results and license was revoked in Tennessee for four violations of conduct designed to or likely to deceive or harm the public. A motion was made by Dr. Michael Courtney to not approve her for licensing per Ark. Code Ann. § 17-81-305(a)(3). A second was made by Dr. Dustin Heard. Motion passed unanimously.

Brook Forringer graduated in September of 2016. She is originally from Pennsylvania and has been practicing in Idaho and is moving to Fort Smith, Arkansas to practice with the Clark Family Practice. Motion to accept her application was made by Dr. Kent Moore and seconded by Dr. Michael Courtney. Motion passed.

Michael Goebel has a felony with a discharged sentence in 1998. He holds a Texas license which he received after the sentence was discharged. No actions have occurred since on his license. The discussion was on the definition of “discharged” and whether that meant expunged. Dr. Michael Courtney made a motion to deny a license due to the fact he was convicted of a felony and that is against the rules in Arkansas per Ark. Code Ann. § 17-81-305(a)(7). A second was made by Mr. Jack McCoy. Motion passed.

Shannon Green graduated in April 2017 and plans to work for Dr. Steven Bennett. She is also applying for a temporary supervised license with Dr. Bennett as her supervisor until she receives her license in July. The motion to approve her for a license and grant her a temporary supervised license was made by Dr. Kent Moore and seconded by Mr. Jack McCoy. Motion passed.

Tracer Dylan Moore will graduate in September. Wishes to attend orientation in July with understanding he will not receive his license until receipt of his diploma, transcripts and Part IV. Motion made to approve pending receipt of diploma, college transcripts and Part IV by Dr. Tom Taylor with a second by Dr. Michael Courtney. Motion passed unanimously.

Andrew Pham wishes to move closer to family. He graduated in 2001 and had previously been considered but application was incomplete. He now has everything completed. Motion by Dr. Kent Moore to approve with a second by Mr. Jack McCoy. Motion passed unanimously.

Parker Watkins graduated in April from Texas and wants to go to northwest Arkansas to Abide Chiropractic. Motion to approve by Dr. Kent Moore with a second by Dr. Dustin Heard. Motion passed unanimously.

Enith O. Sensabaugh is licensed in Mexico and wishes to join her husband in practice in Batesville. After a lengthy discussion, regarding the school from which she graduated in Mexico not being CCE approved nor listed on CCEI website, nor having taken the National Boards, a motion was made by Dr. Kent Moore and seconded by Dr. Michael Courtney to deny the application. Motion passed unanimously.

INVESTIGATION REPORT

Complaint No. 572-12-3-14

Complainant alleges misrepresentation by procurer that he was with the auto insurance company and she was to come to that clinic the next day for treatment and there would be no out of pocket expense. Investigative committee recommends dismissing due to lack of evidence and cooperation of complainant. Motion was made by Dr. Dustin Heard with a second by Mr. Jack McCoy to dismiss the complaint. Motion passed with one abstention from Dr. Taylor.

Complaint No. 602-04-27-15 & 603-04-27-15

Complainants alleged a clinic was advertising discounted treatment for Medicare patients, using contracts with upfront fees of \$7000 for six weeks care and the clinic would not comply with records requests. In past board meeting it was decided to forward the listed complaints to the Office of Inspector General with there being no response in over a year. Board will leave pending and contact complainants to see if they would be willing to testify and contact OIG to see if they have made any decisions.

Complaint No. 633-02-16-16

Complainant alleges multiple phone calls for her to go to their clinics and after choosing one had someone contact her offering her \$200 to switch to another clinic. Investigative Committee suggests dismissal due to lack of evidence and cooperation of complainant. Motion to dismiss by Dr. Courtney with a second by Mr. McCoy. Motion passed unanimously.

Complaint No. 664-08-31-16

Complainant was called and led to believe their care was approved by insurance and that they needed back treatment despite having no pain. Complainant could not remember name of caller. Investigative Committee suggests dismissing due to lack of evidence. Motion to dismiss by Dr. Moore with second from Dr. Heard. Motion passed unanimously.

Complaint No. 665-10-28-16

Complainant is alleging her son is being sued for lack of payment by chiropractor that did not file auto or health insurance claims in a timely manner. It has been 2 years since treatment. The Investigative Committee recommends dismissing this complaint for lack of violation of Rules, Regulations and Statutes. A motion to dismiss was made by Dr. Moore and seconded by Mr. McCoy. Motion passed unanimously.

Complaint No. 671-03-23-17

Complaint is about billing of multiple treatments which she paid up front. Office has policy of reevaluation after twelve weeks and giving patient opportunity to discontinue and receiving a refund if the doctor feels there has been no change in condition. Patient continued for twelve more treatments and now wishes to be refunded for half of treatments. Investigative Committee suggests dismissal for no violation of Rules, Regulations and Statutes. A motion to dismiss was made by Dr. Moore and seconded by Dr. Courtney. Motion passed unanimously.

ADJOURN

Dr. Taylor moved to adjourn. Dr. Courtney seconded the motion. The motion passed.
The Board adjourned at 12:07 pm.

Board minutes approved: 07/20/2017